



**AN ORDINANCE
BY CITY UTILITIES COMMITTEE**

06-O-2502

TO ABANDON A PORTION OF CANTERBURY ROAD, NE LOCATED BETWEEN PINETREE ROAD AND DEAD-END OF CANTERBURY ROAD CONSISTING OF 0.5062 ACRE, MORE OR LESS, AND BEING MORE SPECIFICALLY DESCRIBED IN THE ATTACHED EXHIBIT "A" LYING AND BEING IN LAND LOT 47 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA (COUNCIL DISTRICT 7); AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has received a formal request from the agent for the abutting property owners, to abandon the above referenced portion of CANTERBURY ROAD [described in Exhibit "A" hereof and hereafter referred to as "CANTERBURY ROAD"];

WHEREAS, the abandoned portion of CANTERBURY ROAD will become part of the abutting owner's private property, and it will be such owner's responsibility to maintain, operate, and provide all services and utilities;

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, as follows:

Section 1. That the portion of CANTERBURY ROAD, NW located between PINETREE ROAD and the DEAD-END OF CANTERBURY ROAD, consisting of 0.5062 acre, more or less, and being more specifically described in the attached Exhibit "A" lying and being in Land Lot 47 of the 17TH District, Fulton County, Georgia, same is hereby declared no longer useful or necessary for the public's use and convenience.

Section 2 That the City hereby expresses its intent to abandon CANTERBURY ROAD (as hereinabove defined).

Section 3. That the abutting property owner's have agreed to pay the fair market value of the abandoned street as determined by the appraisal for the abandoned portion of CANTERBURY ROAD.

Section 4. That any and all reservations for existing public or private utility easements shall remain in effect for the purpose of entering the property to operate, maintain, or replace said utility facilities. These easements shall remain in effect until such time that said utilities are abandoned, removed, or relocated, at which time said easements shall expire.

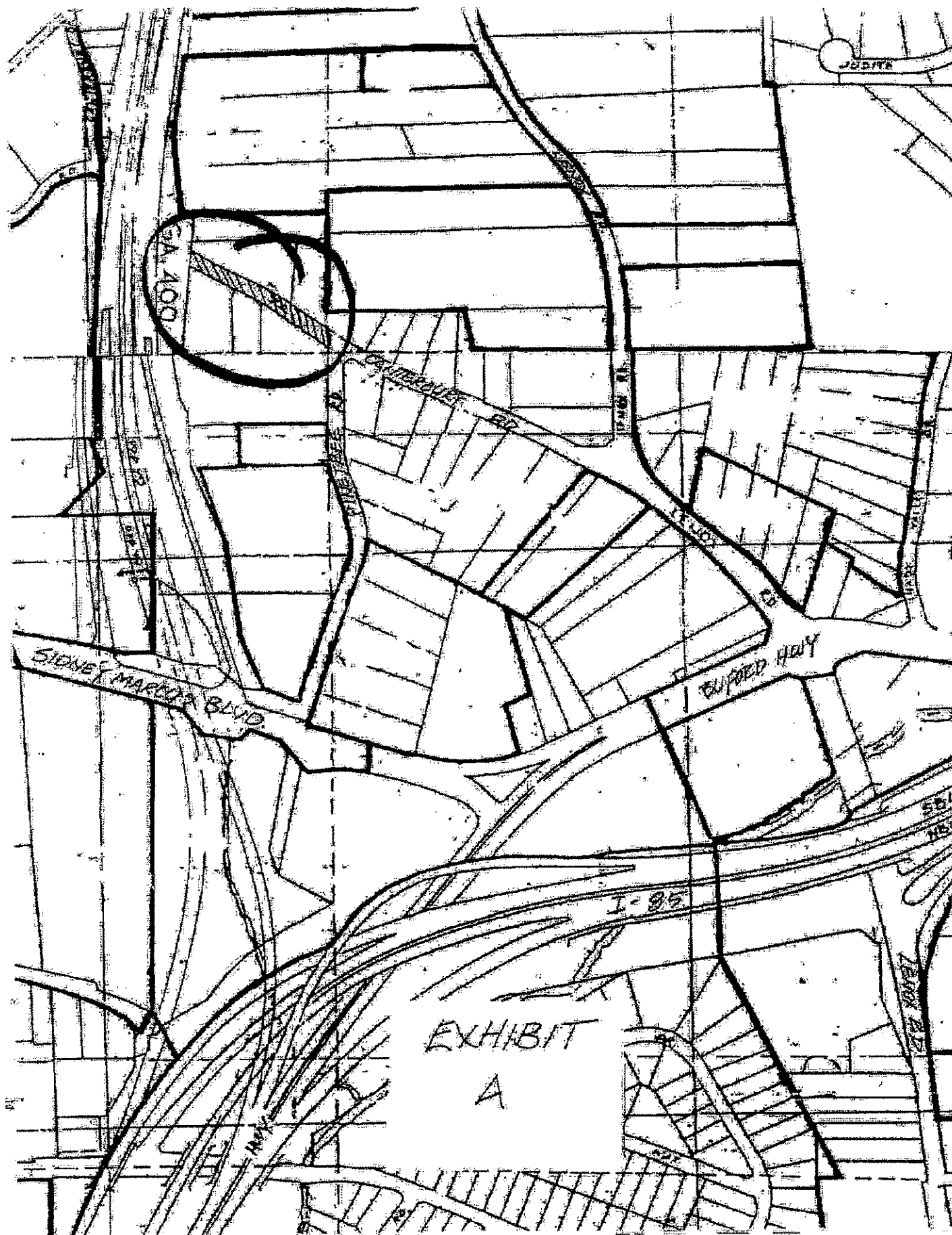
Section 5. That in connection with any future development, and as a condition precedent to the issuance of any building permits by the City of Atlanta for such development, developer shall provide a perpetual easement for vehicular and pedestrian access to the Piney Grove Cemetery (in the general location of 834 Canterbury Road identified as Exhibit "B" attached hereto) to and from Canterbury Road, a public road, for the benefit of those seeking access to the Cemetery. The developer shall construct, at its sole cost and expense, a paved road of at least 15 feet width over the access parcel.

Section 6. That the Chief Procurement Officer be and is hereby authorized to appraise said street to determine its fair market land value.

Section 7 That all costs associated with the appraisal report shall be charged to and paid from Fund, Account and Center Number 3P02 574001 M22F03349999.

Section 8. That the Mayor be and is hereby authorized to execute a quitclaim deed to said street.

Section 9. That all ordinances and parts of ordinances in conflict herewith are hereby waived in this instance only.

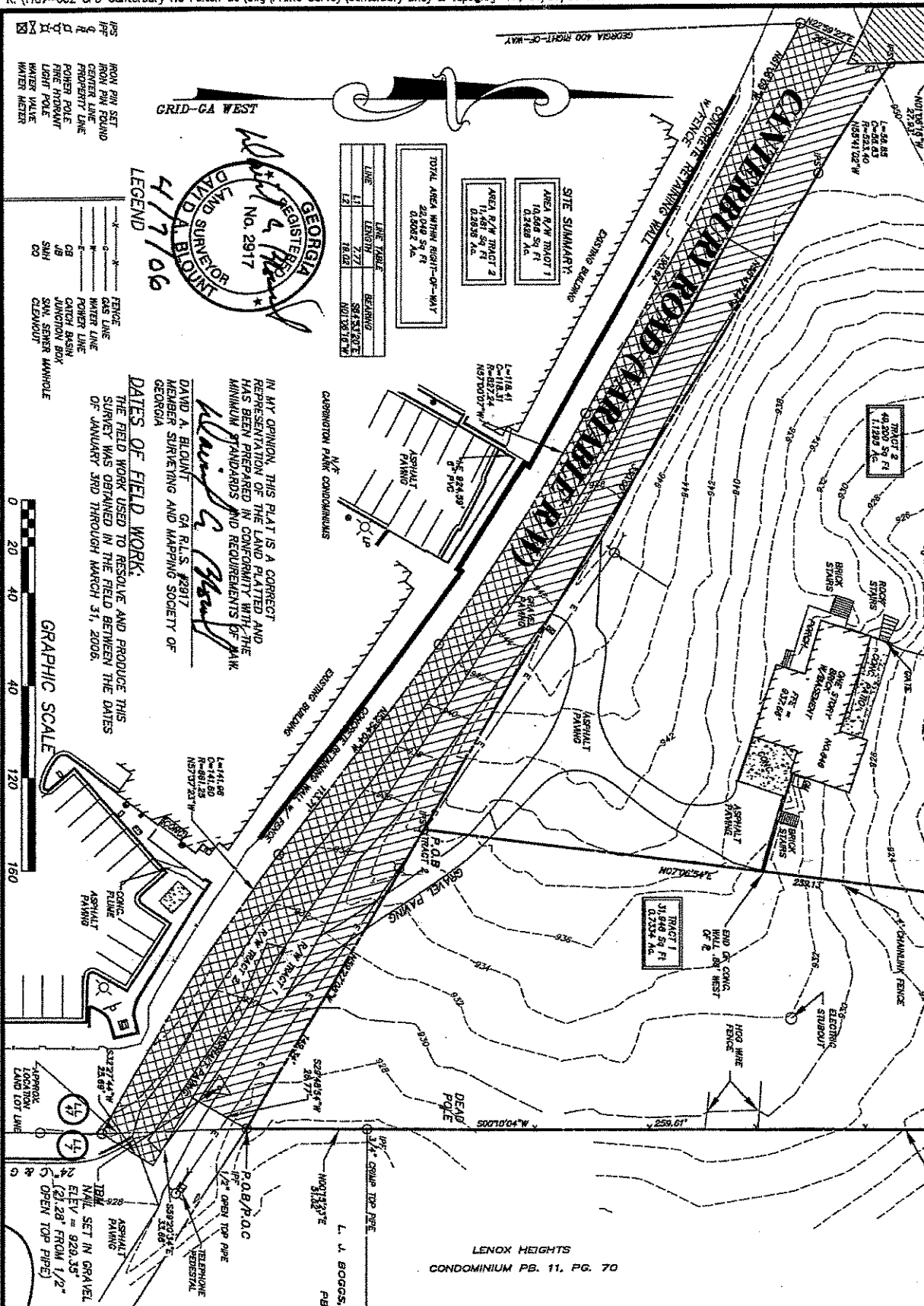


**LEGAL DESCRIPTION
PROPOSED RIGHT OF WAY ABANDONMENT**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN THE CITY OF ATLANTA, LAND LOT 47 OF THE 17TH DISTRICT, FULTON COUNTY, GEORGIA, BEING DEPICTED AS R/W TRACT 1 AND R/W TRACT 2 ON A RIGHT OF WAY SURVEY FOR CAPITAL PARTNERS DEVELOPMENT BY PRIME ENGINEERING, INC. DATED MAY 23, 2006 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" OPEN TOP PIPE FOUND AT THE INTERSECTION OF THE NORTHEAST RIGHT OF WAY OF CANTERBURY ROAD (VARIABLE RIGHT OF WAY) WITH THE EAST LINE OF LAND LOT 47; THENCE ALONG SAID LAND LOT LINE SOUTH 01 DEGREE 42 MINUTES 49 SECONDS EAST, A DISTANCE OF 62.10 FEET TO A POINT ON THE SOUTHWEST RIGHT OF WAY OF CANTERBURY ROAD; THENCE ALONG SAID RIGHT OF WAY FOLLOWING A CURVE TO THE RIGHT AN ARC DISTANCE OF 141.96 FEET, SAID ARC HAVING A RADIUS OF 861.25 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 57 DEGREES 37 MINUTES 23 SECONDS WEST, A DISTANCE OF 141.80 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 52 DEGREES 54 MINUTES 04 SECONDS WEST, A DISTANCE OF 113.71 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY FOLLOWING A CURVE TO THE LEFT AN ARC DISTANCE OF 118.41 FEET, SAID ARC HAVING A RADIUS OF 827.24 FEET AND BEING SUBTENDED BY A CHORD BEARING NORTH 57 DEGREES 00 MINUTES 07 SECONDS WEST, A DISTANCE OF 118.31 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 61 DEGREES 06 MINUTES 09 SECONDS WEST, A DISTANCE OF 190.64 FEET TO A POINT ON THE EAST RIGHT OF WAY OF GEORGIA STATE ROUTE 400 (SR 400); THENCE ALONG SAID RIGHT OF WAY OF SR 400 THE FOLLOWING 3 CALLS: NORTH 22 DEGREES 59 MINUTES 22 SECONDS EAST, A DISTANCE OF 26.26 FEET TO A POINT; THENCE SOUTH 64 DEGREES 53 MINUTES 20 SECONDS EAST, A DISTANCE OF 7.77 FEET TO A POINT; THENCE NORTH 01 DEGREE 06 MINUTES 16 SECONDS WEST, A DISTANCE OF 19.02 FEET TO A POINT ON THE NORTHEAST RIGHT OF WAY OF CANTERBURY ROAD; THENCE ALONG SAID RIGHT OF WAY OF CANTERBURY ROAD FOLLOWING A CURVE TO THE LEFT AN ARC DISTANCE OF 56.85 FEET, SAID ARC HAVING A RADIUS OF 523.40 FEET AND BEING SUBTENDED BY A CHORD BEARING SOUTH 55 DEGREES 41 MINUTES 02 SECONDS EAST, FOR A DISTANCE OF 56.83 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 58 DEGREES 47 MINUTES 44 SECONDS EAST, A DISTANCE OF 330.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY SOUTH 59 DEGREES 27 MINUTES 08 SECONDS EAST, A DISTANCE OF 149.34 FEET TO THE POINT OF BEGINNING.

SAID TRACT CONTAINING 22,052 S.F. OR 0.5062 ACRES.



<p>RIGHT-OF-WAY SURVEY</p> <p>FOR</p> <p>CAPITAL PARTNERS</p> <p>DEVELOPMENT</p> <p>LAND LOT 47 & 7</p> <p>17TH DISTRICT</p> <p>CITY OF ATLANTA</p> <p>FULTON COUNTY,</p> <p>GEORGIA</p> <p>1 OF 1</p>	<p>DRAWN BY: T.R.H.</p>	<p>PRIME ENGINEERING INCORPORATED®</p> <p>1888 EMERY STREET, N.W., SUITE 300 ATLANTA, GEORGIA 30318 404-425-7100</p>
	<p>CHECKED BY: D.A.B.</p>	
	<p>SCALE: 1"=40'</p>	
	<p>DRAWING DATE: 04/04/06</p>	
	<p>PROJECT NUMBER: 1187-002</p>	